

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

CIVIL ACTION
No: _____

Ernesto Ortiz
plaintiff

V

Thomas Turco, Joseph Murphy
MPCH Services Inc, Dean Chang
Leonard Carlson, Emely Holmes
Elizabeth Stephaian
defendants

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION UNDER COLOR OF STATE LAW RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 & 1343 (a)(3). PLAINTIFF Ernesto Ortiz SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2. THE EASTERN DISTRICT OF MASSACHUSETTS IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b)(2) BECAUSE IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

3. PLAINTIFF Ernesto Ortiz IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF MASSACHUSETTS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN MASSACHUSETTS STATE PRISON IN BRIDGEWATER MASSACHUSETTS.

4. DEFENDANT Thomas Turco IS THE COMMISSIONER OF MASSACHUSETTS STATE PRISON. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF MASSACHUSETTS STATE PRISON AND THE WELFARE OF ALL THE INMATES OF STATE PRISONS.

5. defendant Joseph Murphy IS THE SUPERINTENDANT OF A MASSACHUSETTS STATE PRISON. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION AND WELFARE OF ALL INMATES UNDER HIS POST AS ACTING SUPERINTENDANT. THE OPERATION OF THE FACILITY. IT'S GUARDS AND VENDORS CONTRACTED BY DEPARTMENT OF CORRECTION AT S(HE) INSTITUTION.

6.DEFENDANT MPCH Services Inc,IS THE VENDOR CONTRATED BY MASSACHUSETTS DEPARTMENT OF CORRECTION.WHO IS RESPONSIBLE FOR THE MEDICAL CARE.OF ALL PRISONERS INCARCERATE IN THE MASSACHUSETTS STATE DEPARTMENT OF CORRECTION.

7.DEFENDANT Emely HOLMES IS THE UNIT DIRECTOR FOR MPCH Services Inc. WHO IS RESPONSIBLE FOR THE MEDICAL STAFF FURNISH BY MPCH SERVICES INC.AND THE DIRECT MEDICAL ATTENTION THE INMATE RECEIVE. AT STATE CORRECTIONAL FACILITY IN BRIDGEWATER MA(OCCC).

8.DEFENDANT DEAN CHANG IS A DENTIST WHO IS RESPONSIBLE FOR THE IMMEDIATE CARE OF INMATES INCARCERATE AT MASSACHUSETTS STATE PRISON IN BRIDGEWATER MA (OCCC).

9.DEFENDANT ELIZABETH STEPHAIAN IS A NURSE WITH MPCH SERVICES WHO'S RESPONSIBILITY IS THE WELFARE OF ALL INMATE'S CONFINED IN MASSACHUSETTS STATE STATE PRISON'S.IMMEDIATE CARE OF ALL INMATE'S.

10.DEFENDANT LEONARD CARLSON IS A DENTIST AT OLD COLONY CORRECTION CENTER WHO'S RESPONSIBILITY IS THE WELFARE OF ALL PATIENT;S CONFINED IN A MASSACHUSETTS STATE PRISON.

11.EACH DEFENDANT IS SUED INDIVIDUELLY AND IN HIS OFFICIAL CAPACITY AT ALL TIMES MENTION IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

12.ON 3/27/2015 I WAS REFERRED TO LEMUEL SHUTTUCK HOSPITAL FOR ACUTE DENTAL PROBLEM.IT'S STANDARD FOR MPCH SERVICES TO REQUEST TRANSPORTATION FROM DEPARTMENT OF CORRECTION.

13.LEMUEL SHUTTUCK HOSPITAL COULDN'T PROVIDE CARE OR ALLVIVATE THE PAIN BUT SENT A REFRRAL TO MPCH SERVICES AND THE DEPARTMENT OF CORRECTION.WHICH THEY PAID NO ATTENTION TO.

14.ON 5/26/2016 PLAINTIFF WAS SEEN BY DDS CARLSON FOR ACUTE DENTAL PROBLEM.MR CARLSON REFUSE TOFOLLOW STANDARD PROCEDURE. JUST PRISCRIBE AMOCILLIN AND MOTRIN.

15.UNDER 103 DOC 640 DENTAL SERVICES.INMATE'S ARE TO RECEIVE DEN-

tal services equal to that as the community standard.

16.11-17-2015 A CODE 99 WAS CALL.I WAS TAKEN TO HSU FOR ACUTE DENTAL PROBLEM. AT 3am.INMATE"S WAS GIVING MOTRIN AND RETURN TO CELL.

17.ONLY UPPER DOC STAFF ARE ALLOWED TO REMOVE AN INMATE FROM CELL AFTER LOCKDOWN.

18.4-18-2016 ORAL SUGERY WAS ORDER BY DDS CARLSON TO EXTRACT #2, #3 #15 OP #20.

19.ONE TEETH IS A BAD TOOTH.NOW I HAVE TO HAVE ALL MY TEETH REMOVE BESIDE THE FRONT EIGHT TEETH ON MY LOWER PART OF THE MOUTH.

20.I SEEN NP ELIZABETH STEPHAIAN ON 12-20-2016 WITH ACUTE DENTAL PROBLEM.AS A MPCH EMPLOYEE S(HE) HAS TO ALLIVIAATE THE PAIN BUT REFUSE TO FOLLOW THE RULES 103 DOC 640,103 DOC 460.

21.THIS MEDICAL CONDITION STATED ON 2-14-2014.I WAS TO HAVE ONE TOOTH EXTRACTED #2 NOTHING ELSE.

22.DDS TRAVERS DENTAL TREATMENT PLAN.FIX TEETH #2 MAY NEED EXTRACT ION. 10-1-2014 SAVE #2,#3,#15 OP #19,#20,#21,#28,#29.

23.AFTER TWO YEARS SEVEN MONTHS OF NOT RECEIVING PROPER MEDICAL ATTENTION.UNDER POLICY 103 DOC 640,DENTAL SERVICES.I FILED LATIGATION NO:1681CV2743 ON 9-26-2016.

24.DEFENDANT TURCO WAS AND IS A DEFENDANT IN THAT LATIGATION.WHO HAS FAIL TO ADDRESS MY MEDICAL CONDITION.AFTER BEING INFORM AND SERVED WITH THE COMPLAIN.HAS MADE NO EFFORT TO ALLIVIAATE MY SUFE-RING AND PAIN.

25.DEFENDANT MURPHY WAS AND IS A DEFENDANT IN A PRIOR LATIGATION. SO IS FARE TO STATE THAT SINCE HE WAS SERVED MR,MURPHY HAS NOT MADE ANY EFFORT TO GIVE PROPER MEDICAL ATTENTION TO INMATE ORTIZ.

26.AFTER PLENTY OF REQUEST BY PLANTIFF.SOME BY HIS CRIMINAL COUNSEL AND FAMILY MR,MURPHY HAS FAIL TO IMPOSE MPCH SERVICES TO FOLLOW THE POLICY 103 DOC 640 DENTAL SERVICES.

27.IS INHUMAN TO BE IN CONSTANT PAIN FOR ONE DAY.NOT TO MENTION OVER 18 MONTHS.I HAVE BEEN TORTURE.

28.DEFENDANT TURCO AND MURPHY LACK OF ACTION VIOLATED PLAINTIFF ORTIZ RIGHTS UNDER THE EIGHT AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTLE 5 CAUSING PLAINTIFF ORTIZ PAIN,SUFERING AND PHYSICAL INJURY AND EMOTINAL DISTRESS.

29.DEFENDANT CHANG AND CARLSON VIOLATED 103 DOC 640 policy.viol-ATED PLAINTIFF RIGHTS UNDER THE EIGHT AMENDMENT AND ARTICLE 5.BY NOT PROVIDING STANDARD MEDICAL CARE UDER DOC POLICY

30.DEFENDANT EMELY HOLMES WHO WAS AND IS UNIT DERICTOR FAIL IN HER CAPACITY TO ENFORCE THE STAFF UNDER HER SUPERVISION TO FOLLOW THE POLICY EVEN AFTER SHE WAS INFORM OF PLAINTIFF MEDICAL CONDITION. VIOLATION PLAINTIFF ORTIZ EIGHT AMENDMENT AND ARTICLE 5 BY NOT ALLEVIATING PATIEN SUFERRING AND HAVING ANY MEDICAL ETHICS.

31.DEFENDANT STEPHAIAN VIOLATED PLAINTIFF ORTIZ EIGHTS AMENDMENT RIGHTS AND ARTICLE 5 BY NOT FOLLOWING 103 DOC 640,103 DOC 604, and 103 DOC 105,NOT TO MENTION NOT ALLIVIATING PLAINTIFF SUFERING AND PAIN DURING THE LAST 12 MONTHS.

WHEREFORE PLAINTIFF RESPECTFULLY PRAY THAT THIS COURT ENTER JUDGE MENT:

32.GRANTING PLANTIFF ORTIZ A DECLARATION THAT THE ACTS AND OMISS-IONS DESCRIBED HEREIN VIOLATED HIS RIGHTS UNDER THE CONSTITUTION ANDLAWS OF THE UNITED STATES AND

33.A PRELIMINARY INJUCTION ORDERING DEFENDANT,TURCO,MURPHY AND MPCH SERVICES INC TO GIVE PLAINTIFF.COMMUNITY STANDARD DENTAL SERVICES AND URGENT CARE.AND

34.GRANTING PLAINTIFF ORTIZ COMPENSATORY DAMAGES IN THE AMOUNT OF 90.000 AGAINST EACH DEFENDANT,JOINTLY AND SEVERALLY.

35 PLAINTIFF ALSO SEEK A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY

36.PLANTIFF ALSO SEEK RECOVERY OF THE COSTS IN THIS SUIT,AND

37.ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST,PROPER AND EQUITA-
BLE

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE
MATTERS ALLEGED THEREIN ARE TRUE EXCEPT AS TO MATTERS ALLEGED ON
INFORMATION AND BELIEF,AND AS TO THOSE.I BELIEVE THEM TO BE TRUE.
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

DATE 1-3-2017

RESPECTFULLY SUBMITTED
Ernesto Ortiz
ERNESTO ORTIZ W 104473
MASSACHUSETTS STATE PRISON
1 ADMINISTRATION RD
BRIDGEWATER MA 02324

MY NAME IS ERNESTO ORTIZ AND WHAT I STATED IS THE FACTS ON 2-14-2014 I HAD A DENTAL EXAM BY JOSEPH TRAVERS. THAT DAY I WAS TOLD #2 TEEETH HAD LARGE DECAY BUT WITH PROPER CARE IT COULD BE SAVE. ON 7-20-2014 I WAS TOLD THAT #2 #3 MAY NEED TO BE EXTRATED, ON 10-1-2014 I WAS TOLD BY DDS THEY WOULD SAVE ALL MY TEETH AND #19 #20 #21 #28 #29 NEED OP.. ON 10-23-2014 DDS EXTRATED #3, ON 1-16-2015 they extr #7. ON 3-14-2015 DDS TRY TO EXTRAT #16. ON 3-27-2015 I WAS REFER TO LSH. ON 4-18-2016 ORAL SERGERY WAS ORDER, NOTHING COULD BE DONE. ON 12-21-2016 I WENT TO LSH FOR ORAL SERGERY WITH NO RESOLVE. ORAL SERGEANT GAVE REFERAL BUT DOC FAIL TO FOLLOW REFERRAL..

THE FACTS TO THE CASE IS THE FOLLOWING UNDER 103 DOC 640 DENTAL SERVICES YOU ARE GIVING EMERGENCY CARE WITH A ACUTE DENTAL CARE AND MPCH DID NOT PROVIDE IT, DOC DID NOT ENFORCE THE RULES OR POLICY MPCH AND DOC HAVE A MANOPOLY ON HEALTH CARE AND THEY PTOVIDE IT AS THEY FIT. WITH NO REGARDS FOR THE INMATES WHO REQUIRE EMERGENCY CARE. UNDER 103 DOC MEDICAL CARE THEY HAVE TO ALLIVIAATE THE PAIN AND PROVIDE COMMUNITY STANDARD CARE TO ALL INMATES AT ALL STATE PRISON BUT THAT IS NOT THE CASE AROUND HERE. I SERVED THEM WITH A LITIGATION AROUND SEPTEMBER 2016 AND THEY FAIL TO ADDRESS THE SITUATION EVEN AFTER BEIENG AWARE OF MY MEDICAL CONDITION. I WROTE PLANTY OF GRIVANCE TO EMELY HOLMES AND MY FAMILY CALL DOC STAFF ALSO MY LAWYER CALL SUPERITENDANT MURPHY BUT NOTHING HAPPEN. THE DOC AND MPCH SERVICES ARE REPONSIBILITY FOR MY TORTURE AND PAIN. THE TYLINOL I RECEIVE IS FATAL BECAUSE OF MY HEP C IT'S BAD FOR LIVER. IT'S CRAZY TO HAVE TO DEAL WITH PEOPLE WHO DON'T CARE ANY THING ABOUT YOUR WELFARE ALL THEY CARE IT'S THEY PAY CHECK. IF THEY WERE IN PAIN THEY WOULD TAKE CARE RIGHT AWAY NOT WAIT 18 MONTHS TO GIVE TREATMENT AND THEY STILL HAVE NOT FIX ANYTHING. I'M STILL IN PAIN AND SURFERING EVERY DAY.

Ernesto Ortiz

